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EXAMINER	
JACKSON, G	
ART UNIT	PAPER NUMBER
3309	

DATE MAILED: 09/10/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Serial Number: RE90/004,704
Paper No. 05

Art Unit: 3309

INTERFERENCE STATEMENT

This is a Declaration for Interference Statement between U. S. Patent 5,292,332, to Lee, issued March 8, 1994 and application S.N. 08/399,535 filed March 5, 1997, accorded the benefit of an earlier filing date of September 21, 1990.

Claims 95-104 of this application is correspond to the Count.

Independent claim 104 of this application is identical to claim 37, of the Lee patent.

Independent claims 95, 102 and 103 of the application, correspond substantially to claims 11, 38 and 1 of Lee respectively.

Dependent claims 96-101 of the application are identical to claims 12, 13, 16, 18 and 20 of Lee respectively.

Claims 95-102 of this application and claims 11 and 38 of Lee are directed to a device for closing puncture wound in a wall of an artery.

Claims 103-104 of this application and 1 and 37 of Lee are directed to a method of closing a puncture wound in the wall of an artery.

All of claims in both the application and patent are believed to be directed to the same invention because the method claims in this instance are more comprehensive than the apparatus claims and the method claims require the particulars of the apparatus as claimed.

For these reasons the claims are believe to correspond to a single count.

Claims 2-10, 14, 15, 19, 21-36 and 39-43 of Lee, do not correspond to the count because the limitations recited therein is not suggested nor taught by the applicant.

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9/8/97

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Claim 104 correspond identically to claim 37 of Lee.

Claim 104. A method of closing a puncture in a wall of an artery comprising the steps of:

- inserting a removable guide wire through said puncture into the artery;
- threading a plug over said guide wire so that the guide wire extends from the plug through said puncture,
- moving the plug inwardly along the guide wire into blocking relation with said puncture, and
- withdrawing the guide wire from the plug so as to leave the plug sealed in blocking relation with said puncture.